

**ORIGINAL**

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

WENFORD FLETCHER,
Plaintiff,

v.

TOM JACOB SCHWEND and DANIEL
WARREN FOSTER,
Defendants.

Civil No. 3:05-CV-2138-B
ECF

ORDER

The Court has considered the Findings, Conclusions, and Recommendation of the United States Magistrate Judge on Defendants' Motion for Summary Judgment and accepts the Findings, Conclusions, and Recommendation. The District Court grants Defendants summary judgment on all of Plaintiff's claims except his § 1983 claims of excessive force. Genuine issues of material fact exist with respect to Plaintiff's claim that Defendants used excessive force while they were attempting to arrest him and after they had handcuffed him. Accordingly, the District Court hereby denied Defendants' Motion for Summary Judgment on Plaintiff's claims of excessive force. Additionally, discovery narrowly tailored to the issue of qualified immunity is hereby allowed.

IT IS SO ORDERED this 6th day of July, 2006.


JANE J. BOYLE
UNITED STATES DISTRICT JUDGE